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**Rights Without Borders?**  
**learning from the institutional response to Iraqi**  
**refugee children in Jordan**

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The principle of universality is a cornerstone of the UN Convention on the Rights of the Child. Study of displaced Iraqi children in Jordan reveals the political and economic factors that can militate against universality in practice. Following an account of Iraqi displacement in Jordan and of Iraqi children's situation from a rights perspective we consider the institutional response offered by host government, Western donors, and UN agencies and INGOs. As we argue, together these different actors have created, albeit unintentionally, what may be considered a 'network of disregard' in which a relationship of mutual dependence inhibits the pursuit of a principled, non-discriminatory approach to the realisation of rights. In consequence Iraqi refugee children are left in a state of enduring limbo: at best receiving support in a piecemeal manner. This unfortunate situation raises important issues about the child rights project as it has been conceived and operationalised.

Keywords: Refugees, Children, Rights, Iraq, Jordan, Development

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In 2014 child rights activists marked the 25<sup>th</sup> anniversary of the UN Convention on the Rights of the Child (UNCRC). The principle of universality is foundational to this instrument of international law and thus incumbent upon States Parties. Realisation of this principle requires governments to treat in an equitable manner all children residing on their sovereign territory, regardless of citizenship status. This includes children seeking asylum (Article 22). Evidence from Western nations suggests that, in practice, refugee and asylum-seeking children are often subject to treatment that fails to meet their protection needs and support that falls below that afforded to nationals (e.g. Bhabha & Crock, 2007). What then might be the experience in countries less blessed with resources? This question is important to explore not only for the sake of

specific groups of displaced children but also for what it may reveal about the conceptual and operational limitations of the current approach to children's rights. We set out here to explore this question by drawing upon a study of the institutional response to a specific population group – Iraqi children in Jordan.

Our enquiry took place from January to March 2014. It involved interviews with 47 people from 27 different agencies plus seven independent observers, all based in Amman. The selection of aid agencies and government departments for interview was based upon their current or previous work with displaced Iraqis. Bilateral Western donors were approached due to their particular fields of interest, regardless of prior support for Iraqis. Engagement with UN agencies and INGOs was fairly exhaustive (all but two INGOs known by us to be working with Iraqis were interviewed). However, our efforts to interview donors were less successful, reflecting it seemed, the lack of interest in Iraqi refugees amongst the large majority. We reflect upon this point below.

We also engaged displaced Iraqis across a range of settings – within a community centre, in classrooms and through visits to families in their homes. Initial contact was made through two community centres in East Amman where we contributed to activities on a voluntary basis. Aside from one focus group discussion with adult males, research entailed informal discussion typically within the homes of Iraqis. The focus of such enquiry was upon experience of the institutional response rather than upon life as a refugee more generally.

We chose not to undertake research directly with under 18 year olds. Building trust with children (and their caregivers) in this fragile situation in order to discuss sensitive issues was not a task that we felt could be achieved within the time available. This leaves a significant gap in our work that we hope ourselves or others will address in the near future.

Our enquiry into the institutional response to Iraqi children seeking refuge in Jordan illustrates how the principle of universality of children's rights may be compromised in practice. In this setting the realisation of children's basic rights is contingent upon fluctuating circumstance, most notably: the availability of funding, the disposition of agencies and individual staff members, and the attitude of host state authorities.

Our discussion is structured as follows. We begin with an overview of the history and character of the Iraqi presence in Jordan since 2003. This leads to description of the situation of children. The reasons for the contingent realisation of their rights is then considered in relation to various institutional actors whose actions and inactions have greatest consequence: the Government of Jordan, UN and international humanitarian / development agencies, and western donors. We conclude with observations of relevance for the broad project of children's rights raised by our study.

### **Displaced Iraqis in Jordan**

More than a decade after the US-led invasion of Iraq in 2003, the displacement of civilians continues. Over the intervening period hundreds of thousands have fled their homes. Sectarian conflict has been the most common source of violence and, although this has fluctuated in intensity during the past ten years, it has never entirely

disappeared. More recently the actions of Islamic State in Iraq have contributed to increased displacement.<sup>1</sup> Consequently, Jordan has also been host to a large number of aid organisations – from the various UN agencies and large INGOs to smaller foreign organisations that operate in only a few locations. In addition, many local NGOs and Community Based Organisations (CBOs) have delivered services to displaced Iraqis.

Unlike the Palestinians who fled to Jordan in 1948 and 1967, and the Syrians who have been arriving in large numbers since 2012, the Iraqis have not been housed in displacement camps. They have, instead, sought accommodation primarily in cities, most especially Amman. The wealthy have settled in smart neighbourhoods of ‘West Amman’ while those without such resources have entered the private rental market in low-cost neighbourhoods of ‘East Amman’ and in other cities, notably Zarqa and Irbid.

Geographical location is not the only significant difference between the Iraqis in West Amman and others. Those with adequate funds, 25,000 Jordanian Dinar at the time of our research (IRIN, 2013), are able to obtain residency permits that enable them to enter the formal labour market. Employment is also allowed and associated residency granted for individuals who have the requisite skills for jobs that Jordanian citizens are not able to fill.<sup>2</sup> This would typically include higher education lecturers and medical specialists. In addition, university students are able to obtain residency permits for the duration of their studies, but the enrolment fees are high. In the absence of sufficient capital, the specialised skills to gain a high status job, or

participation in higher education, the majority of Iraqis are denied both legal residency and access to formal employment.

The Government of Jordan has not signed or ratified the 1951 UN Convention Relating to the Status of Refugees and thus does not offer formal asylum. According to Dallal Stevens, “Jordan’s refugee law remains virtually non-existent” (2013:6). Iraqis have typically entered the country on tourist or medical visas and registered with UNHCR in order to receive a document asserting their status as asylum seekers. Most renew their original entry visas for the maximum time possible, after which they become liable for an overstay fine: 1.5JD per person per day at the time of research.

The majority of displaced Iraqis without residency view Jordan as a staging post on the path to residence elsewhere, and UNHCR continues to consider resettlement the primary durable solution for this population.<sup>3</sup> Several countries have admitted Iraqis through regular and/or special resettlement programmes, notably Australia, Canada, Sweden Germany and the US. At the perceived height of the Iraqi crisis - between 2007-2011 – around 18,000 were resettled from Jordan through UNHCR<sup>4</sup> as part of a region-wide resettlement effort.<sup>5</sup> By 2014 only the US continued any significant resettlement of Iraqis, according to our interviewees.

There are considerable challenges – practical and political – in obtaining accurate statistics about displaced Iraqis in Jordan. This includes the total number present in the country. In 2007 the Jordanian Government suggested the figure of 450,000 while a sample survey put the number at around 160,000 (Fafo, 2007). We have discussed the political considerations and sensitivities around such statistics elsewhere (Hart &

Kvittingen, 2015). Here we rely on the most reliable statistics available, cross-checking these wherever possible.

Around the time of our research UNHCR stated that approximately 30,000 Iraqis were registered with that organisation. Roughly 35% of these were under 18 years of age, yielding a total figure of 10,500.<sup>6</sup> However, this number has likely grown with the increase in arrivals from late 2013. Furthermore, one must assume there are still thousands awaiting refugee determination by UNHCR given the time it takes to process applications.<sup>7</sup>

Alongside Iraqis who have been refused resettlement in a third country are thousands of applicants still awaiting review. As reported by agency staff and by displaced individuals themselves, the process can take years.<sup>8</sup> In this situation of limbo, savings expire and relatives struggle to sustain remittances. Those who registered up until 2012 commonly receive a monthly stipend from UNHCR. However, financial support for families arriving more recently is generally limited to one-off payments. In 2013 average household income for displaced Iraqis without access to the formal labour market was estimated at 119JD per month – a shortfall of 167JD from the total amount needed for basic expenses (CARE, 2013: 9). Families are thus obliged to reduce their outgoings through such measures as sharing rental accommodation with other families, reducing their food intake, and selling off personal possessions (Moradian, 2010; Chatelard et.al. 2009:14). Some have chosen to return to Iraq due to the legal and socio-economic pressures of life in Jordan.<sup>9</sup> However, not all these returnees were able to deal with the “tough compromises” required to integrate into the “new socio-political order” and subsequently re-migrated (Iaria, 2011: 114).



In a situation of dwindling resources for aid agencies and insufficient income it is also inevitable that some Iraqis seek employment in the informal economy, generally in unskilled, manual jobs. This exposes them to exploitation. Deportation to Iraq for those caught working is rare. However, an individual may be detained, fined and even subjected to long-term extortion by the Jordanian ‘guarantor’ required for an Iraqi to gain release from custody. In spite of such risks anecdotal evidence strongly indicates that an increasing number are seeking some form of employment. This includes children.

The violence that displaced Iraqis have experienced has taken many forms: not only shooting and bombing but also rape, kidnapping and beatings. Several Iraqis also recounted incidents of violence involving the US and allied forces. In addition to the mental health consequences of violence endured before or during flight, life in Jordan creates immense challenges to psychological and emotional wellbeing. We were told repeatedly by displaced Iraqis about the sense of growing despair as months and years pass while waiting for news about an application for resettlement. Moreover, the reasons that some families were resettled relatively quickly while others continue to wait for news about their case were not clear. The impact of this situation of limbo was described by one local mental health worker as follows:

‘Some of them they feel like they have no chance of getting out of this situation... But a lot of them they still cannot accept that. They hope that this will end...From time to time we hear that they are sitting outside UNHCR and waiting for someone to tell them when they can be resettled. ....So all the

uncertainty, not sure about the future, and all the concerns that someone will knock on the door.’

Speaking specifically about the impact of life in limbo upon children another local expert in the field of mental health related the following experience:

‘I was working with the children’s group....There was an exercise about what kind of animals you like. One of those children said “I like cats. And I wish that I can get a cat”. We asked “but you can get a cat, why not? Your mum is not allowing you to have a cat in the home?” She said “no, no, but I will travel to the US. I don’t want to bring a cat to the house and to like it and then I need to go, to leave again.” So you can imagine this situation living in the limbo how much it affects a child who can’t live his life to have a cat in his home, because he feels he will leave again.... So he doesn’t want to be attached to friends or to animals or to a place.’

Particularly for Iraqis living in some of the poorer and more crowded urban neighbourhoods there is the fear of verbal and physical harassment. Fighting back was seen as dangerous given the common perception that the police will always intervene on the side of the ‘locals’. The intimidation and sexual harassment of women has been identified as a significant issue causing some to alter their accent and in other ways seek to pass themselves off as Jordanian (Nusair, 2013). Bullying has been reported as a common aspect of the daily lives of Iraqi children in schools and neighbourhoods (Nelems, 2008: 38). It is to their specific situation that we now turn.

## **Displaced Iraqi Children from a Rights Perspective**

‘The principal normative standards of child protection are equally applicable to migrant children and children implicated in the process of migration. Accordingly, international law provides that all such children be seen and protected as children first and foremost, rather than letting their migratory or other status, or that of their parents, dictate their access to protection and assistance.’ OHCHR, 2010:1

In the course of our fieldwork a broad focus on children’s rights, as articulated in the UNCRC, was narrowed down to consideration of specific themes. Family life, access to services, involvement in exploitative labour, and discrimination emerged strongly from interviews, observations and the literature. In these domains we can witness the divergence in practice from agreed norms regarding the universality of children’s rights.

The UNCRC identifies State Party responsibility for provision of services to children in a number of areas. The most obvious of these are education (Article 28), and healthcare (Article 24). In addition, assistance should be offered to children with physical or mental disabilities (Article 23) and those in need of support for psychological recovery (Article 39). The withdrawal of most bilateral funding previously dedicated to displaced Iraqis has created significant challenges to the realisation of these rights. This includes the rights of children with chronic conditions or disabilities. Agencies and individuals committed to an equitable response to children struggled to assist Iraqi children in the same manner as they would assist

Syrian or Jordanian children for whom there were dedicated funds. Frontline organisations were seeking to avoid discrimination based on country of origin, largely through their own resourcefulness. For example, one NGO worker, responding to a question about the potential discriminatory impact of current funding trends upon the ability to provide non-food relief items, noted:

‘We can request approval from [name of organisation] for exceptions. For example if an Iraqi child needs a particular medical item - I know the person at [name of organisation] so can arrange this with a phone call.’

To illustrate further the contingency in realisation of children’s basis rights we shall focus on the examples of educational access and family life.

### ***Education***

Until 2007 only private schools were accessible to the majority of Iraqi children (Nelems, 2008). In August of that year King Abdullah II issued a decree opening the public school system to Iraqi children for “humanitarian reasons”. This decree coincided with the provision of funds from the European Union and the US Government. Iraqi children were thus admitted from the 2007-2008 school year onwards.

At the time of our research free access to primary and secondary education was offered to Iraqi children within government schools. However, take-up was far from universal. A survey in 2013 indicated a non-enrolment rate of 37.5%, and a non-attendance rate of 40% among those enrolled (CARE, 2013:10). Factors that account

for these figures are commonly reported to include: associated costs of schooling (materials, transportation, etc); fear of bullying, and a sense that residence in Jordan is temporary and thus there is little point in engaging with the education system. In addition, certain conditions imposed by the Jordanian authorities discourage attendance. These include the need for certification from Iraq; the stipulation that any child over the age of 13 out of school for three years or more cannot re-enter; and the non-admittance of young people over the age of 18 even if they have not completed secondary education (Women's Refugee Commission, 2009: 5; Nelems, 2008: 37-40).

In addition to these constraints, Iraqi children might only be admitted to school without charge if they are already registered with UNHCR. However, the registration process can take time. Indeed, with the huge numbers of Syrians adding immensely to the workload of UNHCR staff, several interviewees reported that 4-6 months are needed for a newly-arrived Iraqi family to register and thereby obtain the documentation required by school administrators.

In the academic year 2013-14 no foreign funding was available to support Iraqi children's access to the Jordanian public school system. Instead, the Jordanian authorities bore the costs themselves. Our interviews with government officials revealed grave concern about the sustainability of such access should foreign funds not be forthcoming in the future<sup>10</sup>. This is one significant example of the contingent realisation of Iraqi children's rights: their access to free schooling (UNCRC, Article 28) dependent upon funding arrangements that are subject to change year-on-year. As one development agency staff member recalled:

‘One of the key things in the early days with the Iraqi response was access to education. At that time, I remember we were begging for access and we said “Wait a minute, let's go back to the legalities of it: Jordan signed the [UN] CRC, and education is not something that you choose to give or not. It's a basic right.”’

### ***Family Life***

In signing and ratifying the UNCRC States Parties signal their agreement with the following assertion articulated in the Preamble:

‘Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,’

For reasons already explained, the conditions for most Iraqis are not conducive to economic, social and psycho-emotional wellbeing. Denied access to the labour market and obliged, typically, to wait for years in the hope of resettlement (if not already refused that opportunity) the pressures upon families were remarked upon as immense by many of our interviewees. As savings dwindle and foreign donors cut funding the levels of stress experienced by parents was widely reported to have reached unsustainable levels. Several interviewees noted the negative impact of such stress upon the ability of parents to offer care and support to their children.

*Parents don't really notice the difference in what children are going through. I'm always surprised when asking "haven't you noticed this or that over the last month?" and they say "no". I think they are so concerned with survival, - with food, rent, and stress - that they have don't have much time to think about the children.*

Local community worker

One man who had been waiting for resettlement with his wife and children for several years commented:

*What kind of fun do you think the children here have had? No fun, nothing, because they're at home and they're listening to us - the parents - struggling, fighting each other due to the lack of money.*

Our interviewees also made a clear connection between the socio-economic conditions of Iraqis and heightened levels of domestic violence. According to UNHCR, domestic violence has become a primary reason that Iraqi refugees seek to access the protection services of that organisation. As one child protection specialist observed:

*More poverty and less certainty lead to family violence. Also, lack of purpose, stress, overcrowding and lack of privacy – including the privacy needed for sexual relations - contribute to the frustration that can lead to violence.*

We heard numerous anecdotal reports about Iraqi children engaging in work within the informal economy. It seemed that no organisation had undertaken a systematic

study looking at the scale and incidence of such employment. Nevertheless, several organisations that work close to the ground were certain that this was occurring, particularly amongst boys from age 13-14 upwards. As an NGO staff member told us:

‘The door is more open for job opportunities for children than adults. Police and labour inspectors are more lenient on women and children. Mostly male children work because of cultural norms. The father can’t work because he will be detained.’

According to several interviewees Iraqi children’s engagement in the informal labour market was a relatively new phenomenon. Accounts of them selling small items in the street, or working in shops and gas stations were interpreted by our interviewees as indication of growing desperation in many families.

Exploitative involvement in the workplace, undermining of parents’ ability to provide a safe and nurturing environment, and fluctuating access to basic services are all examples of the challenges faced by Iraqi children in Jordan: a situation in which the realisation of their rights is a matter of contingency rather than clear principle. Access to education is contingent upon the funding of donors and the benevolence of the Jordanian monarch; the provision of non-food relief items upon the personal intervention of development workers; and the ability of parents to provide care and to prevent their children from having to work upon their resourcefulness while managing immense psychological and economic pressure. In the following section we consider reasons for this situation. We pay attention to the immediate economic factors. However, we are also concerned to explore the political, social and institutional



reasons that Iraqi children have, in many ways, become invisible to the actors that bear responsibility for their protection and wellbeing. These actors consist of the Government of Jordan, (western) donors, and UN agencies and INGOs, each discussed in turn. Although several of our interviews suggested the Iraqi Government could and should assist their citizens displaced overseas, none could think of any aid that had come from this source. Therefore the Government of Iraq is marked by its absence.

## **Accounting for Contingency**

### ***The Government of Jordan***

Jordan ratified the UNCRC in 1991. However, the fundamental principle of universality contained therein poses particular challenges for the society and polity of this country. Created by the colonial powers in 1922, the leadership has struggled for most of Jordan's history to ensure that the nation held together. Divisions of tribe, interlaced with spatial distinctions, have had to be managed with great dexterity by successive monarchs (Alon, 2009; Shlaim, 2008). Distribution of socio-economic benefit and maintenance of numerical, economic and political balance between the 'East Bankers', whose families were living in present-day Jordan prior to 1948, and the Palestinian 'West Bankers', who arrived in this year and afterwards, have been key concerns (Baylouni, 2008: 280). Moreover, these macro-level divisions are symptomatic of a society wherein it is through the collective – familial, tribal, confessional, or based on shared 'origins' – that people pursue many of their fundamental needs and aspirations. A vision of the citizen as an individual possessing rights and served by a non-discriminating state is not deeply embedded politically and

culturally. The very notion of children's rights therefore runs counter to much of Jordanian society. As a long-time advocate of children's rights in Jordan observed:

‘If you want to fit in you have to belong to a group. Our challenge is to ensure that each human being is perceived as worthy.’

The contingent realisation of the rights of displaced Iraqi children may be partly understood in light of this. These young people are part of a group that is collectively labeled as “visitors” and “guests” by the authorities. As such they may hope to enjoy the hospitality of their Jordanian hosts but cannot expect to be treated in the same manner as children associated with groups recognised as insiders.

There is an important precedent for this treatment - consideration of which may aid understanding of the situation and prospects for Iraqi children. For more than forty years there has existed an official sub-group of Palestinians that are treated systematically in a less favourable manner than other long-term residents, including the majority of Palestinian refugees. These are the people who came from Gaza in connection with the 1967 War and their descendents. The situation of the ‘Gazans’ - estimated to number around 120,000 (Perez, 2011: 1031) - is highly ambiguous. They have been allowed to remain in Jordan with the status of “foreign residents”: provided with two-year passports (rather than the regular five year passports) that do not include an ID number conferring full citizenship. They are thus rendered stateless in a formal sense. The passport given to them is not honoured by many Middle East states and their movement for the sake of employment is thereby seriously hindered (El Abed, 2006: 17). All Gazans over the age of 6 are treated as uninsured Jordanians in

government hospitals, but they are unable to access the government insurance scheme for the poor which would grant free treatment. There are also blocks on employment and professional advancement. Furthermore, the ambiguous status of this population group is passed on to each successive generation.

The partial exclusion of the Gazans is not due to some inherent difference from Jordanians or fellow Palestinian refugees. The reason given officially for the withholding of full citizenship and equal treatment is to preserve their right of return (Perez, 2011: 1034). Since such a right endures for Palestinian refugees granted Jordanian nationality this is a questionable argument (Ibid, 1047). On the other hand, incorporation of any sizeable additional population group may affect inter-group dynamics and provoke opposition amongst tribal leaders who dominate the upper echelons of government and army (Alyssa, 2007; Baylouni, 2008).

Through rigid adherence to the characterisation of the Gazans as “foreign residents” the inequities of their treatment over more than four decades have been justified. As with young Iraqis, this characterisation trumps consideration of ‘Gazan’ children as subjects of rights under the UNCRC. In this way, concerns related to the Jordanian national order take precedence over the universality foundational to international law (Perez, 2011: 1048).

While the actual treatment of Iraqi refugees differs in its detail from that of the Gazans, the considerations that underlie treatment of the former can be understood as a *replication* of those governing treatment of the latter. Moreover, the Government’s response to the Iraqis is also a *consequence* of its concerns about the Gazans. That is

to say, bringing the treatment of Iraqi children in line with that of Jordanian citizen children could add to the pressure to improve the situation of the Gazans (Seeley, 2010). Moreover, were the Iraqis alone to be treated better, it could fuel resentment amongst the latter – a population group long viewed as a potential security threat.<sup>11</sup> Speaking of the Iraqis, one interviewee observed:

‘...with refugees it’s a political issue with the Palestinian refugees, the rights they are lacking, what they cannot do... The entire political discourse is shaped by animosity towards Palestinian social mobility and questioning the entire trajectory of Palestinians acquiring citizenship in the country.’

Aside from resettlement the single measure most likely to improve the situation of the Iraqis in the short-term was access to employment. Allowing this population to work would have immense positive consequences for children: enabling parents to provide greater material support and alleviating much of the stress that has proven so damaging to intra-household dynamics. It would also enable at least some of the Iraqis to access private educational and health services, thus reducing the burden on the public sector. Yet, the Government has been adamant in its refusal to relax restrictions on employment.

Concerns about the impact of recognising the rights of Iraqi children as children and as refugees, rather than as the offspring of “visitors” or “guests”, need to be understood in context. Jordan is amongst the nations worldwide currently hosting most displaced people in both absolute numbers and relative to the size of its citizenry (UNHCR 2014). The main groups of refugees have been (non-citizen) Palestinians,

Iraqis and, most recently, Syrians with smaller numbers of other nationalities, including Sudanese and Eritreans. The presence of so many refugees has provided an important source of income to Jordan through foreign aid and the investment of wealthy incoming elites.<sup>12</sup> Nevertheless, the social, economic, environmental and political strains resulting from the long-term presence of large refugee populations cannot be overlooked. Given the numbers any government would struggle to meet its obligations to realise the rights of refugee children in an equitable manner, not least the government of a middle-income country located in the midst of a highly volatile region with scarce natural resources. Thus the support of other governments in addressing this challenge is vital.

### ***Western Donors***

“Given Jordan's pro-West strategic orientation, commitment to peace with Israel, and cooperation on counterterrorism and security matters, the United States has a strong interest in helping Amman manage potentially destabilizing change.”

Satloff and Schenker 2013:1

As the Middle East experiences growing unrest, violence and displacement Jordan's importance to Western governments as a reliable ally, military base, and moderating influence in regional affairs has also been reinforced. Ensuring the stability of the Jordanian monarchy is therefore a primary consideration.

A second major aim, closely related to the first but less openly acknowledged, is to ensure that Jordan keeps the region's displaced peoples on its sovereign territory. In so doing it serves to stem the potential flow of asylum seekers to Europe and North

America, enabling the pursuit of a programme of resettlement for only the most vulnerable refugees (Hart, 2014).

How might we understand the connection between, on one hand, the concerns of Western donors for Jordan's stability and its continued accommodation of refugees and, on the other, the kind of institutional response to displaced Iraqis that renders the realisation of children's rights as a matter of contingency? This is a complex question to which we can only offer some speculative suggestions in response. In any case, one should not assume an explicit cause and effect relationship. Rather, it is necessary to consider Western aims as aspects of a field of forces that contribute to particular outcomes for displaced Iraqis, especially the young. With these caveats in mind, we shall here trace out our understanding based upon the insights revealed by the literature and through interviews.

The importance to Western governments of the stability of the monarchy and the continued accommodation of refugees may be discerned in the large funds that have been supplied to Jordan in recent years. For example, in the period 2011-2013 the country received on average \$750 million per year in economic and military aid from the USA (Sharp, 2014: 23). This made it the second largest recipient of US aid per capita after Israel.

Given the large sums of money provided by the United States, the EU and western governments, it might be expected that these donors exert pressure to alter policies that are evidently detrimental to displaced populations including the Iraqis. Yet they seem reluctant to flex their muscles. Several interviewees expressed frustration that

the donors had pushed very little for changes in government policy that could ameliorate the situation of displaced Iraqis. Even at the height of donor spending on the Iraqis in the period 2007-2010 it seems that little challenge was made to Jordanian government policy in respect of this population (Seeley, 2010). Issues that might have been addressed include entrance to the labour market, the granting of formal refugee status, and greater access to tertiary education: all of which would have a significant positive impact upon Iraqi refugee children.

Amongst the major Western donors only the US has continued to offer considerable funds.<sup>13</sup> The United Kingdom, by contrast, was not offering any assistance to the Iraqis at the time of our fieldwork. Representatives in Amman indicated that the Syrians were the only recent refugee population upon which the UK Government's aid efforts were focused. The following quote from a long-standing expatriate aid worker, speaking about the Western donors in general, has particular resonance for the UK:

‘There's not really any political will to examine the situation more at the moment because no-one wants to look back.’

In the case of the United Kingdom, looking back might entail consideration of its role in provoking mass displacement within and from Iraq through the 2003 invasion and subsequent toppling of the Ba'athist regime. In 2006 the late Senator Edward Kennedy articulated the responsibility of the US towards people displaced by the ensuing sectarian violence:

“The refugees are witnesses to the cruelty that stains our age, and they cannot

be overlooked. America bears heavy responsibility for their plight. We have a clear obligation to stop ignoring it and help chart a sensible course to ease the refugee crisis.’<sup>14</sup>

The actions / inactions of the UK Government over recent years demonstrate, however, that the fate of children affected by a nation’s military adventures overseas can be ignored without consequence. This is a shortcoming of the child rights project that we discuss below.

According to interviewees, the de facto policy of ignoring the Iraqis that the UK and most other western donors pursue might change in response to either of two scenarios. The first consists of a considerable upsurge in the arrival of Iraqis – in other words, a new ‘crisis’, according to the conventional understanding of the term. In this scenario, it seems unlikely that the situation of the existing Iraqi population in Jordan will be addressed adequately since their needs go beyond emergency assistance and require a more long-term, developmental perspective.<sup>15</sup> The other scenario entailed significant mobilisation of the displaced Iraqi population as a result of their frustration. Given the primary concern of Western governments to ensure the stability of Jordan it was conceivable that, were this to occur, they would engage more thoroughly with the government and take a stronger line on tackling the causes of frustration. In the meantime, however, the aid agenda remained focused on humanitarian assistance, principally to the Syrians, leaving the INGOs and UN agencies, together with local NGOs and CBOs, to do their best for Iraqi children and their families with the dwindling sums provided.



### ***UN Agencies and INGOs***

‘There was never a stabilisation of Iraqis here. This was always seen as a relief issue.’

INGO worker, Amman

Displaced Iraqis in Jordan have predominantly been considered by outside agencies through the prism of ‘crisis’ and ‘emergency’. This has remained the case in spite of the passing years and the evolving needs of this population and irrespective of the fact that most of the agencies have the capacity and experience to undertake a more developmental approach. Support in the form of aid for new arrivals and psychosocial programmes for those dealing with traumatic experiences of conflict and flight do not address the complex situation of displaced Iraqis as this have evolved over several years, giving rise to the need for livelihood support, secondary health care, housing, tertiary level education and vocational training.

Remaining within an emergency framework has significant implications for the ways that agencies operate on the ground. Responding to ‘crisis’ they previously offered significant assistance to the Iraqis. However, when the crisis was perceived to have become less intense the motivation for continuing the work and, in some cases, for remaining in Jordan ended. The increasingly difficult situation of many Iraqis still in Jordan after several years, unable to work and stripped of savings, has not registered on a radar calibrated to trigger response only to major emergencies.

Those interviewees who were aware of and concerned about the situation of displaced Iraqis in Jordan expressed great frustration at the dwindling financial support

available. A few interviewees described efforts to bring the needs of Iraqis back into discussion amongst agencies and donors. Yet, they must contend with a vicious circle the main elements of which are (1) lack of current knowledge; (2) absence of funding; and (3) excessive workload particularly as a result of the Syrian crisis. Breaking through any of these entails addressing the others. So, for example, in order to obtain funding for the Iraqis it would be necessary to engage donors with detailed information about current needs. Operating in ‘crisis’ mode even organisations that are explicit in their commitment to progressive realisation of children’s rights have struggled to secure the resources needed to remain aware of and responsive to the situation of Iraqi children. As one senior officer in a child-rights oriented organisation, answering a question about the scale of Iraqi children’s involvement in the informal labour market, told us:

‘Honestly speaking, I can’t give specifics. Our interaction with the Iraqis has really gone down since the funding was cut two years ago.’

Lacking up-to-date, detailed knowledge of the situation of Iraqi children, some of our interviewees referred to current formal arrangements as indicators of the state of realisation of Iraqi children’s rights. Thus, in light of the fact that Iraqi children were, at that point, able to access schooling as well as basic health services their rights were being more or less upheld. This response seemed indistinguishable from a conventional needs-based approach. It failed to acknowledge that children are subjects of civil, political, social and economic rights and that the realisation of such rights for all children on its sovereign territory is incumbent upon a State Party, and therefore not contingent upon circumstances.

Displaced children's immediate needs may be met through a conventional emergency response. However, as the time spent in limbo becomes countable in years vulnerabilities are liable to multiply due to progressive impoverishment, growing stress and frustration, strained access to services and dim prospects for higher education and regular employment. In this situation, holding responsible parties to account in terms of their obligations to Iraqi children under the UNCRC might be deemed particularly necessary. Yet, there was evidently a lack of resources – human and material – and little political will to do so.

Minimal attention to the longer-term prospects of Iraqi children contrasted sharply with the considerable focus on their Syrian peers. This was evident in various national and regional initiatives being planned or implemented at the time of our research. For example, 'No Lost Generation'<sup>16</sup> - a regional initiative supported by four major INGOs, the governments of Canada, the US and UK, and five UN agencies - calls upon the general public to become "champions" for Syrian children through supporting organisations that seek to avert the risk that the future of these children "could be lost forever" (Childrenofsyria.org, 2014: 12). No such campaign exists for Iraqi children, nor for Palestinians and others displaced within the same region, thousands of whom live in similarly dire circumstances and whose futures are at the same risk of being "lost forever".

### **'A Network of Disregard'**

As Hannah Arendt observed more than half a century ago, aspirations for the universal achievement of human rights are liable to be frustrated within a world organised according to nation states (1951: 370). The contingent realisation of the

rights of displaced Iraqi children that we have described may, in our view, be understood as a consequence of this tension between global principle and national self-interest. However, we would argue that our study indicates the need to go beyond a focus on the actions and inactions of the host government alone. Rather, it is vital to frame the absence of a principled approach to the rights of these young refugees in transnational context. This brings into view the role of foreign governments, multi-lateral institutions and INGOs.

The governments of Jordan and Iraq, and all the major western donors, with the exception of the US, are States Parties to the UNCRC. All, with the partial exception of the US, are connected in what we could describe as a ‘network of disregard’ that has drawn into its ambit organisations mandated to work for the progressive realisation of children’s rights. The dynamics of this ‘network of disregard’ can be seen in relation to Iraqi children’s access to free schooling. From 2003-7 this was denied, then, when foreign funding became available, allowed. After this funding ended in 2012 access was temporarily enabled through the benevolence of the Jordanian monarch. These arrangements clearly indicate that the right of Iraqi children to education has not been established as an inviolable principle. The Jordanian authorities can point to the financial burden of educating this group as a reason for their inability to uphold this right. Western governments have demonstrated their unwillingness to push the Jordanians on such an issue. Were Jordan not providing a warehouse for the region’s refugees, countries such as the UK could expect many more Iraqi children, unaccompanied or in family groups, heading for their shores, making demands on their services. At the same time, Western donors

are largely unwilling to provide further funds to support Jordan in hosting Iraqis and providing services in a sustained manner as befits a rights-based approach.

UN agencies and INGOs mandated to work for children's rights are also implicated in this 'network of disregard'. Reliant upon the financial and political support of Western donors for their operations and advocacy, and lacking the resources even to gather data on the situation of Iraqi children, adherence to the principle of universality is hard to maintain. Long-standing staff members aware of the dire situation of many Iraqi families all expressed great unease with this state of affairs, yet they appeared powerless to avoid their organisations' complicity in the failure to take meaningful action.

### **Concluding thoughts**

In taking as our focus of study the institutional response to Iraqi refugee children in Jordan, we are not suggesting that their unfortunate situation is unique in kind or degree. Rather, it is illustrative of significant shortcomings in the child rights project as this has been pursued. These shortcomings are both conceptual and operational. Conceptually, our research draws attention to the need for further thinking about the specific challenges to the realisation of the rights of non-citizen children – of which displaced Iraqi children in Jordan are but one example. This work has begun with particular discussion of legal obligations (e.g. Bhabha, 2010). However, there is a need for attention to political-economy and international relations. This might consider, for example, the responsibility of states that pursue war overseas (such as the UK in Iraq) for the plight of children who consequently become refugees. In operational terms advocates must consider how to establish effective mechanisms for

continuing to attend to large groups of non-citizen children that are not of interest to powerful states. Without such mechanisms further populations of displaced children, including the Syrians, may become invisible as well.

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<sup>1</sup> See <http://www.al-monitor.com/pulse/ru/originals/2014/08/iraqi-sunnis-targeted-by-islamic-state.html#>,

<sup>2</sup> Labour Law No 8, Article 12 (1996) states that non-Jordanians should only be employed if the work requires experience and qualifications not available amongst Jordanian workers <http://www.ilo.org/dyn/travail/docs/634/Labour%20Law%20and%20its%20Amendments%20No.8%20of%20the%20year%201996.pdf>.

<sup>3</sup> '2015 UNHCR country operations profile – Jordan', <http://www.unhcr.org/pages/49e486566.html>.

<sup>4</sup> UNHCR (2013): *UNHCR Global Resettlement Statistical Report 2012*, p 14, <http://www.unhcr.org/52693bd09.html>; *UNHCR Statistical Yearbook 2007, 2008, 2009* (Annex: Table 5),

<sup>5</sup> 100,000 Iraqi refugees were referred for resettlement from 2007 to mid-June 2010, see <http://www.un.org/apps/news/story.asp?NewsID=35060#.VKG1B1BsNA>.

<sup>6</sup> UNHCR (2014): 'Jordan - 2013 Global Report', p 2, <http://www.unhcr.org/539809f80.html>.

<sup>7</sup> Evidenced by large numbers of pending asylum applications at the beginning/end of each year. In 2002-2006, the back-log of pending asylum applications for Iraqis in Jordan grew, reaching nearly 19,000 at the end of 2006/beginning 2007. From end of 2010 to the start of 2013 (years of relatively low numbers of new arrivals), pending applications were around 1,500 at the end/beginning of each year (*UNHCR Statistical Yearbook 2005* (Annex, 'Jordan'), 2006 (Annex, Table 9), 2010, 2011, 2012 (Annex, Table 12) <http://www.unhcr.org/pages/4a02afce6.html>).

<sup>8</sup> Even those who are successful may continue to wait for many months. Despite high acceptance rates for Iraqi resettlement submissions (in 2012 this stood at over 90%), in 2010-11 UNHCR made 9,287 resettlement submissions for Iraqis in Jordan but only 4,408 Iraqis departed in the same period. See UNHCR (2013): *UNHCR Global Resettlement Statistical Report 2012*, p 12, 14, <http://www.unhcr.org/52693bd09.html>. Lengthy security checks may also delay departure. See *UNHCR Global Resettlement Statistical Report 2010* annexed to *UNHCR Projected Global Resettlement Needs 2012*, p 54-55, [http://www.unhcr.org/cgi-bin/texis/vtx/home/opensslPDFViewer.html?docid=4fbd05a49&query=iraqi resettlement](http://www.unhcr.org/cgi-bin/texis/vtx/home/opensslPDFViewer.html?docid=4fbd05a49&query=iraqi%20resettlement).

<sup>9</sup> Statistics on voluntary returnees to Iraq are scarce since many are likely to return unannounced. Chatty and Mansour report that in 2008-2011 around 200 families were assisted by UNHCR in their return (2011: 101).

<sup>10</sup> NGO sources reported that in the current academic year Iraqi parents were being charged for tuition and books (personal communication, September 2014).

<sup>11</sup> Ilana Feldman (2012: 163) reports on perceptions amongst some Gazans that they are already treated unfavourably in comparison with Iraqis.

<sup>12</sup> See Hart & Kvittingen, 2015: TBC for discussion of the economic benefits arising from Jordan's role as host to displaced populations.

<sup>13</sup> In the fiscal year 2014 the US government gave just over \$6 million to support Iraqis in Jordan. This population will also benefit, presumably, from some part of the stated \$90 million given by the US government to assist displaced Iraqis across the region. See [http://www.usaid.gov/sites/default/files/documents/1866/iraqi\\_ce\\_fs05\\_09-11-2014.pdf](http://www.usaid.gov/sites/default/files/documents/1866/iraqi_ce_fs05_09-11-2014.pdf)



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<sup>14</sup> *Washington Post* December 30<sup>th</sup>, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/29/AR2006122901066.html>.

<sup>15</sup> This is evidenced in the appeal for assistance with the 'Iraq situation' issued by UNHCR in September 2014, <http://www.unhcr.org/5412b1e09.html>.

<sup>16</sup> See <http://nolostgeneration.org/>